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**NOV 26 2007**

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U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

JIMMY LEE WILLIAMS,

Plaintiff - Appellant,

v.

MICHAEL D. GARVEY, sued in his  
individual capacity; et al.,

Defendants - Appellees.

No. 06-16656

D.C. No. CV-05-02287-SMM

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Arizona  
Stephen M. McNamee, District Judge, Presiding

Submitted November 13, 2007<sup>\*\*</sup>

Before: TROTT, W. FLETCHER, and CALLAHAN, Circuit Judges.

Arizona state prisoner Jimmy Lee Williams appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging defendants violated his due process rights during clemency proceedings. We have

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

jurisdiction under 28 U.S.C. § 1291. We review de novo, *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000), and we affirm.

Because Williams failed to file his action within two years after he knew or should have known of his injuries, the district court properly dismissed his action as time-barred. *See TwoRivers v. Lewis*, 174 F.3d 987, 991-92 (9th Cir. 1999) (applying two-year statute of limitations in Arizona Revised Statute § 12-502 to 42 U.S.C. § 1983 claim).

Because the district court did not err in dismissing the complaint with prejudice, it did not abuse its discretion in denying Williams' motion to amend the judgment under Fed. R. Civ. P. 59(e). *See Zimmerman v. City of Oakland*, 255 F.3d 734, 740 (9th Cir. 2001).

Williams' remaining contentions lack merit.

**AFFIRMED.**